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NOTIFICATION

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The following Bill together with the Statement of Objects and Reasons is published, as ordered by the Speaker under Rule 73 of the Rules of Procedure and Conduct of Business in the Assembly.

Legislature Secretariat,
Trivandrum.

D. TIRUMALAI IYENGAR,
Secretary,
Legislative Assembly.

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L. A. Bill No. 26 of 1960.

THE KERALA POLICE BILL, 1960

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THE KERALA POLICE BILL, 1960.

A

BILL

to consolidate and amend the law relating to the police force in the State of Kerala.

Preamble.—WHEREAS it is expedient to consolidate and amend the law relating to the Police Force in the State of Kerala;

BE it enacted in the Eleventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short-title, extent and commencement.*—(1) This Act may be called the Kerala Police Act, 1960.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. *Definitions.*—(1) In this Act, unless the context otherwise requires,—

(i) "cattle" shall, besides horned cattle, include elephants, camels, horses, mules, asses, sheep, goats and wine;

(ii) "District Magistrate" shall mean the officer charged with the executive administration of a district and invested with the powers of a Magistrate of the first class, by whatever designation such officer is styled;

(iii) "Place of public resort" shall include any place whether public or private, open or enclosed, to which the public are admitted for purposes of recreation, diversion, amusement, entertainment, refreshment or relaxation;

(iv) "police" shall include all persons by whatever name known who exercise any police functions throughout the State of Kerala and "police officer" means any member of the police force;

(v) "property" shall include money, valuable security and all property, whether movable or immovable;

(vi) "public place" means any place to which the public have access, whether as of right or not, and shall include every public building and monument and the precincts thereof;

(vii) "special police officer" means a special police officer appointed under section 14;

(viii) "street" shall include any road, foot-way, square, court, alley or passage, whether a thoroughfare or not, to which the public have permanently or temporarily a right of access;

(ix) "subordinate police" shall mean all police officers of and below the rank of an Inspector;

(x) "superior police" shall mean all police officers above the rank of an Inspector;

(xi) "vehicle" shall include every wheeled conveyance capable of being used on the streets.

(2) Words and expressions used and not defined in this Act, but defined in the Indian Penal Code, 1860, or in the Code of Criminal Procedure, 1898, shall have the meanings respectively assigned to them in those Godes.

CHAPTER II

ORGANISATION OF THE POLICE

3. *Constitution of police force.*—The entire police establishment of the State shall be deemed to be one police force and shall consist of such number of superior and subordinate police officers and shall be otherwise constituted in such manner, as may, from time to time, be ordered by the Government.

4. *Inspector-General of Police.*—(1) The administration of the police throughout the State shall, subject to the control of the Government, be vested in an officer to be styled the Inspector-General of Police (hereinafter referred to as the Inspector-General) and in such superior police officers as the Government shall deem fit.

(2) *Superintendent of Police.*—Subject to the provisions of sub-section (1), the administration of the police throughout the local jurisdiction of a District Magistrate shall be vested in a Superintendent of Police.

5. *Control and direction by District Magistrate.*—The police force within the local jurisdiction of a District Magistrate shall be under the general control and direction of such Magistrate. In exercising authority under this section, the District Magistrate shall be governed by such rules and orders as the Government may, from time to time, make in this behalf.

6. *Dismissal, suspension or reduction of officers of the subordinate police.*—Subject to the provisions of Article 311 of the Constitution and to such rules as the Government may from time to time make under this Act, the Inspector-General, Deputy Inspector-General, Assistant Inspector-General and Superintendents of Police may, at any time, dismiss, remove, suspend or reduce to a lower post or time scale or to a lower stage in time scale, any officer of the subordinate police whom they shall think remiss or negligent in the discharge of his

duty or otherwise unfit for the same, and may order the recovery from the pay of any such police officer of the whole or part of any pecuniary loss caused to the Government by his negligence or breach of orders.

7. *Subordinate police officers to receive certificates of office.*—(1) Every person appointed as an officer of the subordinate police shall be formally enrolled and shall receive on his enrolment a certificate under the seal of the Inspector-General by virtue of which he shall be vested with the powers, functions and privileges of police officer.

(2) Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be a police officer.

(3) A police officer shall not by reason of being suspended from office cease to be a police officer. During the term of such suspension, the powers, functions and privileges vested in him as a police officer shall be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties and to the same authorities, as if he had not been suspended.

8. *Additional Police Officers employed at cost of individuals.*—The Inspector-General may, if he thinks fit, on the application of any person showing the necessity thereof, depute any additional number of Police Officers to keep the peace at any place within the State for such time as he deems necessary. Such force shall be under the orders of the Superintendent of Police of the District, and shall be at the charge of the person making the application:

Provided always that it shall be lawful for the person on whose application such deputation shall have been made, on giving thirty days notice in writing to the Inspector-General, to require that the officers so deputed be withdrawn; and such person shall be relieved from the charge of such additional force from the expiration of such notice.

9. *Additional force in neighbourhood of the railway and other works.*—Whenever any railway, canal or other public work or any manufactory or commercial concern is carried on or is in operation, in any part of the State and it appears to the Inspector-General that the employment of additional police force in such place or neighbourhood is rendered necessary by the behaviour or reasonable apprehension of the behaviour of the persons employed in such work, manufactory or concern he may with the sanction of the Government, direct the employment of such additional force, to such place or neighbourhood and maintain the same so long as such necessity continues; and make orders from time to time upon the

person having the control or custody of the funds used in carrying on such work, manufactory or commercial concern, for the payment of the additional police force so rendered necessary and such person shall thereupon cause payment to be made accordingly.

10. *Quartering of additional police in disturbed or dangerous areas.*—(1) If by reason of any area within the State being in a disturbed or dangerous condition or by reason of the conduct of the inhabitants or any class or section of them it is expedient to increase the number of the police force, the Government may declare, by notification in the Gazette, accordingly.

(2) Thereupon the Inspector-General or other officer authorised hy the Government in this behalf, may, with the sanction of the Government, employ any police force in addition to the ordinary fixed complement to be quartered in the area specified in the notification aforesaid.

(3) Subject to the provisions of sub-section (5), the cost of such additional police force shall he borne by the inhabitants of such area described in the notification.

(4) The District Magistrate shall, after such enquiry as he may deem necessary, apportion such cost among the inhabitants who are, as aforesaid, liable to bear the same and who shall not have been exempted under sub-section (5). Such apportionment shall be made according to the Magistrate's judgment of the respective means within such area of such inhabitants.

(5) Government may, hy order, exempt any person or class or section of such inhabitants, whom they consider free from blame, from liability to bear any portion of such cost.

(6) Every notification issued under sub-section (1) shall state the period for which it is to remain in force, but it may be withdrawn at any time or continued from time to time for a further period or periods as the Government may, in each case, think fit to direct.

Explanation.—For the purposes of this section and sections 11 and 12, "inhabitants" shall include persons who themselves or by their agents or servants occupy or hold any property within such area, notwithstanding that they do not actually reside therein.

11. *Awarding compensation to sufferers from misconduct of inhabitants.*—(1) If, in any area, in regard to which any notification has been issued under section 10, death or grievous hurt or loss of, or damage to, property has been caused by or has ensued from the misconduct of the inhabitants of such area or any class or section of them, either before or after the issue of the notification, any person who claims to have suffered

injury from such misconduct may make, within sixty days from the date of the injury, an application for compensation to the District Magistrate having jurisdiction over such area.

(2) The District Magistrate may, with the sanction of the Government, and after such enquiry as he may deem necessary, whether any additional police have or have not been quartered in such area under section 10—

(a) declare the persons to whom injury has been caused by, or has ensued from, such misconduct;

(b) fix the amount of compensation to be paid to such persons, and the manner in which it is to be distributed among them; and

(c) assess the proportion in which the same shall be paid by the inhabitants of such area, other than the applicant, who shall not have been exempted from liability to pay under sub-section (3):

Provided that the Magistrate shall not make any declaration or assessment under this sub-section, unless he is of opinion that such injury as aforesaid has arisen from a riot or unlawful assembly within such area and that the person who suffered the injury was himself free from blame in respect of the occurrences which led to such injury.

(3) The Government may, by order, exempt any person, or class or section of such inhabitants, whom they consider free from blame, from liability to pay any portion of such compensation.

(4) Every declaration or assessment made or order passed by the District Magistrate under sub-section (2) shall be subject to revision by the Government.

(5) No civil suit shall be maintainable in respect of any injury for which compensation has been awarded under this section.

12. *Awarding compensation for damage to public property.*—(1) If, in any area in regard to which any notification has been issued under section 10, damage to any public property or property belonging to the Union or any State has been caused by or has ensued from the misconduct of the inhabitants of such area or of any class or section of them, either before or after the issue of such notification, the District Magistrate having jurisdiction over such area may with the sanction of the Government, and after such enquiry as he may deem necessary, and whether any additional police force have or have not been quartered in such area under section 10—

(a) declare and assess the damage which has been caused by or has ensued from such misconduct;

(b) fix the amount of compensation to be paid to the Government; and

(c) assess the proportion in which the same shall be paid by the inhabitants of such area who shall not have been exempted from such liability to pay under sub-section (2):

Provided that the Magistrate shall not make any declaration or assessment under this sub-section, unless he is of opinion that such damage as aforesaid has arisen from a riot or unlawful assembly within such area.

(2) The Government may, by order, exempt any person, or class or section of such inhabitants, whom they consider free from blame, from liability to pay any portion of such compensation.

(3) Every declaration or assessment made or order passed by the District Magistrate under sub-section (1) shall be subject to revision by the Government.

(4) No civil suit shall be maintainable in respect of any damage for which compensation has been awarded under this section.

13. *Recovery of moneys payable under sections 8, 9, 10, 11 and 12.*—(1) All moneys payable under sections 8, 9, 10, 11 and 12 shall be recoverable by the District Magistrate in the manner provided for the recovery of fines under the Code of Criminal Procedure, 1898.

(2) All moneys paid or recovered under sections 8, 9, and 10 shall be credited to the Government and shall be applied to the maintenance of the police under such orders as the Government may pass.

(3) All moneys paid or recovered under section 11 shall be paid by the District Magistrate to the persons to whom and in the proportion in which the same are payable under that section.

(4) All moneys paid or recovered under section 12 shall be credited to the Government and shall be applied to the repair of the damage referred to in that section or in such manner as the Government may direct.

14. *Special police officers.*—When it appears that any unlawful assembly or riot or disturbance of the peace has taken place, or may be reasonably apprehended, in any place, and that the police ordinarily employed for preserving the peace is not sufficient for its preservation, and for the protection of the inhabitants and the security of property in such place, any police officer not below the rank of an Inspector may apply to the nearest Magistrate or the Inspector-General to appoint so many able-bodied male residents of the neighbourhood, between the ages of 18 and 55, as such police officer may require, to act as special police officers for such time and in such manner as he may deem necessary; and it shall be the duty of such Magistrate or the Inspector-General, unless he sees cause to the contrary, to comply with such application.

15. *Powers of special police officer.*—Every special police officer so appointed shall receive a certificate in the prescribed form, have the same powers, privileges and protection, and be liable to all such duties and penalties, and be subordinate to the same authorities, as the ordinary officers of police.

16. *Punishment for refusal to serve.*—If any person, being appointed a special police officer as aforesaid without sufficient excuse, neglects or refuses to serve as such, or to obey such lawful order or direction as may be given him for the performance of his duties, he shall be liable, upon conviction before a Magistrate, to fine not exceeding fifty rupees for such neglect, refusal or disobedience.

CHAPTER III

Regulation, Control and Discipline of the Police Force

17. *Police Officers not to resign without leave or notice.*—No police officer shall resign his office or withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the Inspector-General or by such other officer as may be authorised by the Government to grant such permission or unless, except in the case of a special police officer, he shall have given to his superior officer, notice in writing for a period not less than two months of his intention to do so:

Provided that, if any police officer produces a certificate signed by a Medical Officer empowered by the Government in this behalf declaring such police officer to be unfit by reason of any disease or mental or physical incapacity for further service in the police, the necessary written permission to resign shall forthwith be granted to him.

Explanation.—A police officer who, being absent on leave, fails without reasonable cause to report himself for duty on the expiration of such leave shall be deemed, within the meaning of this section, to withdraw himself from the duties of his office.

18. *Police officers not to engage in other employment.*—No police officer other than a special police officer shall engage in any employment or office whatever other than his duties under this Act.

19. *Inspector-General to control force and make rules.*—The Inspector-General may, from time to time, subject to the approval of the Government, frame such orders and rules, not inconsistent with this Act, as he may deem expedient, relating to the general government and distribution of the police force, the places of residence, the classification, rank and particular service and duties of the members thereof; their inspection;

the description of arms, accoutrements, and other necessaries to be furnished to them; to the collecting and communicating intelligence and information; for preventing abuse or neglect; and for rendering such force efficient in the discharge of all its duties.

20. *Police officers always on duty.*—Every police officer not on leave or under suspension shall, for all purposes of this Act, be considered to be always on duty and shall have the powers of a police officer throughout the State.

CHAPTER IV

POLICE REGULATIONS

Rules for Preservation of Order

21. *Powers to make rules for regulation of traffic and for preservation of order in public places, etc.*—(1) In any local area in which he thinks fit, the District Magistrate, with the previous sanction of the Government and subject to such orders as may have been made by a municipal or other local authority empowered in this respect, may, from time to time, make rules not inconsistent with this Act, for—

(a) licensing and controlling persons offering themselves for employment at quays, wharves, landing places, bus stands and railway stations, for the carriage of passengers' baggage, and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed;

(b) regulating traffic of all kinds in streets and public places and the use of streets and public places by persons riding, driving, cycling, walking or leading or accompanying cattle so as to prevent danger, obstruction or inconvenience to the public;

(c) regulating the conditions under which vehicles may remain standing in streets and public places and the use of streets as halting places for vehicles or cattle;

(d) prescribing the number and position of lights to be used on vehicles in streets and public places and regulating and controlling the conveying of timber, poles, ladders, girders, beams or bars, boilers or other unwieldy articles through the streets, and the route and hours for such conveyance;

(e) prescribing the roads along which, the hours during which and in times of epidemic, the manner in which, corpses may, or may not be carried;

(f) regulating the hours during which and the manner in which any place for the disposal of the dead, or any chathram or other place of public resort may be used so as to secure the equal and appropriate application of its advantages and accommodation, and to maintain orderly conduct, among those who resort thereto;

(g) in cases of existing or apprehended epidemic or infectious disease of men or animals, maintaining cleanliness and disinfection of premises by the occupier thereof and residents therein, and the segregation and management of the persons or animals diseased or supposed to be diseased, with a view to prevent the disease or to check the spreading thereof;

(h) licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or injury to passers-by or the residents in the vicinity, prohibiting—

(i) the keeping of places of public resort;

(ii) the playing of music in streets and public places;

(iii) the operation of loud speakers in or within hearing of a street or public place;

(iv) the illumination of streets and public places and the exteriors of buildings abutting thereon by persons other than the officers of the Government or local authorities;

(v) the carrying in the streets and public places of gunpowder or any other explosive substances; and

(vi) the blasting of rocks;

(i) regulating the means of entrance and exit at places of public resort or public assembly, and providing for the maintenance of public safety and the prevention of disturbance therein ;

(j) regulating or prohibiting smoking at places of public resort or public assembly, or in public conveyances.

(2) Every rule made under this section shall be published in the Gazette and in the manner prescribed by this Act for the publication of public notices.

22. *Regulations of public assemblies and processions and music in streets.*—The Superintendent of Police may, subject to any rule or order which may, at any time, be legally made or any licence granted by the District Magistrate—

(i) direct the conduct of all assemblies and processions in any street and prescribe the routes by which and the times at which, such processions may pass;

(ii) require by general or special notice, on being satisfied that any persons or class of persons intend to convene or to collect an assembly in any street or to form a procession which would in the judgment of the District Magistrate and in his absence, of the Sub-divisional Magistrate, if uncontrolled, be likely to cause a breach of the peace, that the persons convening or collecting such assembly or directing or promoting such procession shall not do so without applying for and obtaining a licence;

And on such application being made, the Superintendent may issue a licence specifying the names of the licensees and defining the conditions on which alone such assembly or procession is to be permitted to take place;

(iii) prevent obstructions on the occasion of all processions and assemblies and in the neighbourhood of all places of worship during the time of public worship, and in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed; or

(iv) prohibit or regulate the use of music or sound amplifiers or drums, tom-toms or other noisy instruments in any street or public place and in any private place if their use may cause annoyance to neighbours.

23. *Powers to deal with assemblies and processions violating conditions of licence.*—(1) Any Magistrate or any police officer not below the rank of an Inspector or any police officer in charge of a police station may stop any procession which violates the conditions of a licence granted under section 22, and may order it or any assembly which violates any such conditions as aforesaid to disperse.

(2) Any procession or assembly which neglects or refuses to obey any order given under sub-section (1) shall be deemed to be an unlawful assembly.

24. *Power to prohibit the carrying of swords, spears, etc.*—The District Magistrate may, whenever and for such time as he may consider it necessary to do so for the preservation of the public peace or public safety, by public notice or by order directed to individuals, prohibit—

(i) the carrying of swords, spears, bludgeons, guns or other offensive weapons in any public place;

(ii) the carrying, collection and preparation of stones or other articles intended to be used as missiles, or of instruments or means of casting or of impelling missiles;

(iii) the exhibition of persons, corpses, figures or effigies in any public place; and

(iv) the public utterance of cries or slogans, singing of songs or playing of music.

25. *Power to prohibit delivery of public harangues, etc.*—(1) The District Magistrate may, whenever and for such time as he may consider necessary, by public notice or by order directed to individuals, prohibit the delivery of public harangues, the use of gestures or mimetic representations and the preparation, exhibition or dissemination of pictures, symbols, placards or any other object or thing, which—

(i) may be of a nature to outrage morality or decency; or

(ii) are likely, in the opinion of the Magistrate, to inflame religious animosity or hostility between different classes, or to incite to the commission of an offence, to a disturbance of the public peace, or to resistance to law or lawful authority.

(2) No prohibition under this section shall remain in force for more than fifteen days unless the Government, by notification in the Gazette, otherwise direct.

26. *Power to prohibit any procession or public assembly.*—(1) The District Magistrate may, by order in writing, prohibit any procession or public assembly, whenever and for so long as he considers such prohibition to be necessary for the preservation of the public peace or public safety.

(2) No prohibition under this section shall remain in force for more than fifteen days unless the Government, by notification in the Gazette, otherwise direct.

27. *Power to reserve any street or public place.*—The Inspector-General may, subject to the orders of the Government, by public notice, temporarily reserve for any public purpose any street or public place and prohibit persons from entering the area so reserved save under such conditions as may be prescribed by him.

28. *Enforcement of orders issued under section 24 to 27.*—(1) Whenever a notification, order in writing or public notice has been duly issued under section 24, section 25, section 26 or section 27, then—

(a) in the case of a public notice or order issued under clause (i), clause (ii) or clause (iii) of section 24, or in the case of a public notice issued under section 27, any Magistrate or any police officer; or

(b) in the case of a public notice or order issued under clause (iv) of section 24, or under section 25, or in the case of an order issued under section 26, any Magistrate or any Police Officer not below the rank of a Sub-Inspector,

may require any person acting or about to act contrary thereto to desist or to abstain from such action and, in case of refusal or disobedience, may arrest such person.

(2) Any Magistrate or police officer acting under sub-section (1) may also seize anything used or about to be used in contravention of such notification, order or notice as aforesaid, and anything so seized shall be disposed of, as any Magistrate having jurisdiction may order.

29. *Power to give directions to prevent disorder at places of public resort or public assembly.*—(1) For the purpose of preventing disorder or danger to the persons assembled at any place of public resort or public assembly, the police officer of highest rank not below the rank of a Sub-Inspector who is

present may, subject to such rules, directions and orders as may have been lawfully made, give such reasonable directions as he may think necessary as to the mode of admission of the public to, and for securing the peaceful and orderly conduct of persons attending at, such place; and all persons shall be bound to conform to such directions.

(2) The police shall have free access to every such place of public resort or public assembly for the purpose of giving effect to the provisions of sub-section (1) and to any direction given thereunder.

30. *Issue of orders by District Magistrate for prevention of riot, etc.*—In order to prevent or suppress any riot or grave disturbance of the peace, the District Magistrate may temporarily close or take possession of any building or place and may exclude all or any persons therefrom, or may allow access thereto such persons only and on such terms as he may deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such orders as the District Magistrate may make and notify in the exercise of the authority hereby vested in him.

31. *Issue of orders for maintenance of order at religious ceremonials, etc.*—(1) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organised assemblage in any street or public place, as to which or the conduct of or participation in which it appears to the District Magistrate that a dispute or contention exists which is likely to lead to disturbance of the peace, the District Magistrate may give such orders as to the conduct of the persons concerned towards each other and towards the public as he deems necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

(2) Any order under sub-section (1) shall be subject to a decree, injunction or order made by a court having jurisdiction, and shall be recalled or altered on its being made to appear to the District Magistrate that it is inconsistent with a judgment, decree, injunction or order of such court.

CHAPTER V

EXECUTIVE POWERS AND DUTIES OF THE POLICE

32. *Duties of Police Officers.*—It shall be the duty of every police officer to—

(a) promptly serve every summons, obey and execute all orders and warrants lawfully issued to him by any competent authority, and endeavour by all lawful means to give effect to the lawful commands of his superiors;

(b) collect and communicate, to the best of his ability, intelligence concerning the commission of cognisable offences or designs to commit such offences and lay such information and take such other steps consistent with law and with the orders of his superiors as shall best be calculated to bring offenders to justice and prevent the commission of cognisable, and within his view, of non-cognisable offences;

(c) preserve the peace and collect and communicate intelligence affecting or likely to affect the public peace;

(d) prevent to the best of his ability the commission of public nuisances;

(e) apprehend all persons whom he is legally authorised to apprehend and for whose apprehension sufficient ground exists;

(f) aid another police officer when called on by him or in case of need in the discharge of his duty in such ways as would be lawful and reasonable on the part of the officer aided;

(g) discharge such duties as are imposed upon him by any law for the time being in force;

(h) use his best endeavours to prevent any injury attempted to be committed in his view to any public property or the removal of or injury to any public landmark or mark used for navigation;

(i) afford every assistance within his power to disabled or helpless persons in the streets and take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves;

(j) take prompt measures to procure necessary help for any person under arrest or in custody who is wounded or sick and, whilst guarding or conducting any such person, to have due regard to his condition;

(k) arrange for the proper sustenance and shelter of every person who is under arrest or in custody;

(l) use his best endeavours—

(i) to prevent any loss or damage by fire, and

(ii) to avert any accident or danger to the public;

(m) regulate and control the traffic in the streets to prevent obstruction therein and to the best of his ability prevent the infraction of any rule or order made under this Act or under any other law for the time being in force for observance by the public in or near the streets;

(n) keep order in the streets, and at public bathing, washing and landing places, fairs and all other places of public resort, and in places of public worship and the neighbourhood thereof during the time of public worship;

(o) regulate resort to public bathing, washing, and landing places, prevent overcrowding thereat and in public conveyances and to the best of his ability prevent the infraction of any rule or order lawfully made for observance at any such place or on any such conveyance;

(p) take charge of all unclaimed property found by or made over to him and to furnish without any unreasonable delay an inventory thereof to a Magistrate;

(q) prevent entry without reasonable excuse into or on any dwelling house or other building or on any land or ground attached thereto or on any boat vehicle or vessel, or on any ground, belonging to the Government or appropriated to public purposes; and

(r) perform all duties imposed on him by rules for the time being in force under this Act in the manner and subject to the conditions therein prescribed.

33. *Powers of police on the occasion of fire.*—(1) On the occasion of a fire in any locality, any police officer above the rank of a constable or any member of the fire services above the rank of a fireman, may—

(a) remove or order the removal of any persons who by their presence interfere with or impede the operations for extinguishing the fire or for saving life or property;

(b) close any street or passage in or near which any fire is burning;

(c) by himself or those acting under his orders, break into or through, or pull down, or use for the passage of hoses or other appliances, any premises for the purpose of extinguishing the fire, doing as little damage as possible;

(d) cause the mains and pipes of any area to be shut off so as to give greater pressure of water in the place where the fire has occurred;

(e) call on the persons in charge of any fire-engine to render such assistance as may be possible; and

(f) generally, take such measures as may appear necessary for the preservation of life and property.

(2) Any damage done on the occasion of fire by members of the fire services or of any fire-brigade or by police officers or their assistants in the due execution of their duties shall be deemed to be damage by fire within the meaning of any policy of insurance against fire. But nothing in this section shall exempt any police officer or any member of the fire services or of any fire-brigade from liability to damages on account of any acts done by him without reasonable cause.

(3) All charges on account of establishments and appliances for extinguishing fire maintained by the police under the orders of the Government for general use, and all expenses incurred on the occasion of any fire by the police in the execution of their duty shall, if the duty of extinguishing fire is cast upon any local authority be paid from the fund of that local authority upon the Inspector-General certifying the amount thereof:

Provided that no charges on account of establishments and appliances for extinguishing fire shall be recovered from any local authority which maintains such establishments and appliances and such establishments and appliances are employed for extinguishing fire.

34. *Power to deal with property suspected to be stolen.*—When in a street or a place of public resort a person has possession or apparent possession of any article which a Police Officer in good faith suspects to be stolen property, such Police Officer may search for and examine the same and may require an account thereof, and should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to the nearest Magistrate, who shall thereupon make such order respecting the custody or production of the article as he may think proper.

35. *Powers to search for stolen property in certain cases without warrant.*—In any local area to which this section may be extended by the Government by notification in the Gazette, any police officer above the rank of a constable having reasonable ground to suspect that stolen property is concealed or lodged in any dwelling-house or other place, and is likely to be removed before a search-warrant can be obtained, may search such house or place subject to the general provisions in the Code of Criminal Procedure, 1898 relating to searches.

36. *Pawn-broker, etc., to report stolen property if tendered for pawn or sale.*—Any police officer may deliver to any pawn-broker, dealer in second hand property or worker in metals, a list of any property believed to have been stolen, and thereupon it shall be the duty of such pawn-broker, dealer or worker as aforesaid, upon any article answering the description of any of the property set forth in any such list being offered him in pawn, for sale or otherwise, to inquire the name and address of the person offering such article, to seize and detain the article, and forthwith to communicate to the nearest police station the fact of such article having been offered and such name and address as may be given by the person offering it. Any pawn-broker, dealer or worker as aforesaid failing to comply with the requirements of this section without reasonable excuse shall be liable on conviction to fine not exceeding fifty rupees for every such offence. Such pawn-broker, dealer or worker as aforesaid may also detain any person offering such article as aforesaid pending the arrival of the police.

37. *Police officer may enter and inspect drinking shop etc. without warrant.*—Any police officer may for any of the purposes mentioned in section 32 enter and inspect any drinking shop, gaming house or other place of resort of loose or disorderly characters without a warrant.

38. *Applicability of the provisions of the Code of Criminal Procedure.*—The provisions of sections 523, 524 and 525 of the Code of Criminal Procedure, 1898, shall, as nearly as may be practicable, apply to all property detained or taken charge of by the police under this Act.

39. *A superior police officer may himself perform duties imposed on his inferior, etc.*—A police officer may perform any duty assigned by law or by a lawful order to any officer subordinate to him; and in case of any duty imposed on such subordinate, a superior, where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding an infringement thereof.

40. *Police officer may lay information, etc.*—Any police officer may lay any information before a Magistrate, and apply for a summons, warrant, search-warrant, or such other legal process as may by law issue against any person committing an offence.

41. *Persons bound to conform to reasonable directions of police.*—(1) All persons shall be bound to conform to the reasonable direction of a police officer given in fulfilment of any of the duties enjoined on, or in exercise of any of the powers vested in, him under this Act.

(2) A police officer may restrain or remove any person resisting or refusing or omitting to conform to any such direction as aforesaid.

CHAPTER VI

Offences and Punishments

42. *Certificate, arms, etc., to be delivered up by person ceasing to be a police officer.*—(1) Every member of the police force shall on suspension or on ceasing to belong thereto, forthwith deliver up to his immediate superior his certificate and all clothing, accoutrements and other articles supplied to him for the execution of his duty, and in default thereof, shall on conviction be liable to fine not exceeding two hundred rupees, or to imprisonment for a term which may extend to six months, or to both.

(2) The Inspector-General or any Magistrate may issue a warrant to search for and seize, wherever they may be found, any certificate, arms or accoutrements, clothing or other necessary articles not delivered up as required by sub-section (1). Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898.

(3) Nothing in this section shall be deemed to apply to any article which under the orders of the Inspector-General has become the property of the person to whom the same was furnished.

43. *Unlawful assumption of police functions, personation of police, etc.*—Every person not being, or having ceased to be, a police officer, who—

(i) unlawfully assumes any function or power belonging to the police;

(ii) has in his possession any distinctive article of the dress or accoutrements directed to be worn exclusively by the police, without being able to account satisfactorily for the possession thereof;

(iii) except for purposes of entertainment, puts on the dress of any police officer, or any dress designed to represent it or to be taken for it; or

(iv) otherwise personates the character or acts the part of any police officer except for purposes of entertainment,

shall on conviction, be liable to fine not exceeding two hundred rupees, or to imprisonment for a period which may extend to six months, or to both.

44. *Penalties for neglect of duties, etc.*—Any police officer who—

(a) contravenes any provision of section 18;

(b) is guilty of cowardice;

(c) resigns his office or withdraws himself from the duties thereof in contravention of section 17;

(d) is guilty of any wilful breach or neglect of any provision of law or any rule or order which it is his duty as such police officer to observe or obey; or

(e) is guilty of any violation of duty for which no punishment is expressly provided,

shall on conviction be liable to imprisonment for a term which may extend to three months, or to fine which may extend to one hundred rupees, or to both.

45. *Vexatious entry, search, arrest, etc., by police officers.*—Any police officer who—

(a) without lawful authority or reasonable cause, enters or searches, or causes to be entered or searched any building, vessel, tent or place;

(b) vexatiously and unnecessarily seizes the property of any person;

(c) vexatiously and unnecessarily detains, searches or arrests any person;

(d) vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person;

(e) offers any unnecessary personal violence to any person in his custody;

(f) holds out any threat or promise not warranted by law to an accused person;

(g) maliciously and without probable cause prefers any false, vexatious or frivolous charge or information against any individual; or

(h) knowingly and wilfully and with evil intent exceeds his powers,

shall on conviction for every such offence be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

46. *Penalty for receiving unauthorised fees, etc.*—Any police officer who, on any pretext, or under any circumstance, directly or indirectly, collects or receives any fee, gratuity, diet-money, allowance or recompense, other than he may be duly authorised to collect or receive, shall on conviction be liable, to fine not exceeding six months' pay, or to imprisonment for a term which may extend to six months, or to both.

47. *Penalty for extortion.*—Any Police officer who, directly or indirectly, extorts, exacts, seeks or obtains any bribe, perquisite or unauthorised reward or consideration, by any threat or pretence, for doing or omitting or delaying to do any act which it may be his duty to do or cause to be done, or for withholding or delaying any information which he is bound to give or communicate, or who attempts to commit any of the offences above-said, shall on conviction be liable to fine not exceeding twelve months' pay or to imprisonment for a term which may extend to twelve months, or to both.

48. *Penalty for false alarm of fire.*—(1) Whoever gives or causes to be given to any police officer or to any fire-brigade or to any member thereof or to any member of the fire services, whether by means of a street fire-alarm, statement, message or otherwise, any alarm of fire which he knows to be false, or does not believe to be true, shall on conviction be liable to fine which may extend to fifty rupees.

(2) Whoever is convicted under this section, after having been previously convicted thereunder, shall be liable to simple imprisonment for a term which may extend to six months and shall also be liable to fine.

49. *Punishment for certain offences on streets and open places.*—Whoever in any street or open place, within the limits of any local area to which this section may be extended by the Government by notification in the Gazette, does any of the following acts shall, on conviction, be liable to imprisonment for a term which may extend to eight days or to fine which may extend to fifty rupees or to both, provided that no such act done in any place other than a street shall be punishable as aforesaid unless such act causes or is likely to cause obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passersby—

(i) slaughters any cattle, cleans any carcass, article of furniture or vehicle, or grooms any animal;

(ii) makes or repairs any vehicle or part of a vehicle (unless when in the case of an accident repairing on the spot is necessary) or carries on any manufacture or operation;

(iii) drives, drags or pushes any vehicle at any time between half an hour after sunset and one hour before sunrise without sufficient light;

(iv) drives, drags or pushes any vehicle and does not keep (except in cases of actual necessity or of some sufficient reason for deviation), on the left of such street when meeting any other vehicle or on the right of such street when passing any other vehicle;

(v) rides or drives any animal, or drives, drags or pushes any vehicle in a rash or negligent manner, or trains or breaks any horse or other cattle;

(vi) drives, drags or pushes any vehicle without springs on any street except on the side thereof;

(vii) leads or rides any animal, or drives, drags or pushes any vehicle, upon any foot-way or fastens any animal so that it can stand across or upon any street or foot-way;

(viii) permits any cattle or vehicle to be under the control of a child under the age of twelve years;

(ix) conveys through the streets any article which projects more than five feet in front or behind the vehicle or vehicles on which it is placed;

(x) affixes or causes to be affixed any bill, notice, document, paper or other thing upon any street or place of public resort or upon any building, monument, statue, effigy, post, wall, fence, tree or other erection therein, or in any manner defaces, disfigures, writes upon or otherwise marks or causes

to be defaced, disfigured, written upon or otherwise marked any street, public place or any such building, monument, statue, effigy, post, wall, fence, tree or erection without the consent of the owner or occupier thereof;

(xi) causes mischief by any negligence or ill-usage in the driving, management or care of any animal or vehicle;

(xii) commits nuisance by easing himself or permits any person under his control to commit a nuisance as aforesaid.

50. *Penalty for wilful trespass.*—Whoever without reasonable excuse wilfully enters into or on any dwelling house or other building or on any land or ground attached thereto or on any boat, vehicle or vessel, or on any ground belonging to the Government or appropriated to public purposes, shall be liable on conviction to imprisonment for a term not exceeding six months or with fine not exceeding five hundred rupees or with both.

51. *Penalty for being found armed between sunset and sunrise intending to commit an offence, etc.*—Whoever is found, between sunset and sunrise,—

(a) armed with any dangerous instrument with intent to commit an offence,

(b) having his face covered or otherwise disguised with intent to commit an offence,

(c) in any dwelling house or other building or on board any vessel or boat, without being able satisfactorily to account for his presence there,

(d) lying or loitering in any bazar, street, yard or other place, being a reputed thief and without being able to give a satisfactory account of himself, or

(e) having in his possession without lawful excuse any implement of house breaking,

may be arrested by any police officer without a warrant and shall be liable on conviction to imprisonment for any term not exceeding three months.

52. *Penalty for buying or taking pledge from a child.*—In any local area to which this section may be extended by the Government by notification in the Gazette, whoever without the knowledge and consent of the owner buys any jewel, watch, fountain pen, bicycle, utensil or other article of value from any child apparently under the age of fourteen years, or takes any article on pawn or pledge from such a child shall be liable on conviction to fine not exceeding one hundred rupees.

53. *Penalty for lighting bonfire, discharging firearm, etc., in, over or near any public place.*—In any local area to which this section may be extended by the Government, by notification in the Gazette, whoever, except at such times and places as the District Magistrate may allow, in, over or near any public

place, lights any bonfire, discharges any firearm or air-gun, lets off or discharges any firework, or sends up any fire-baloon, or permits such act to be done in premises over which he has control, shall be liable on conviction to fine not exceeding fifty rupees. In the event of any such act being done within any private premises, the person having the immediate control of such premises shall be deemed to have permitted the act, unless he can prove that the act was committed without his knowledge.

54. *Penalty for drunkenness or riotous or indecent behaviour in street, etc.*—Whoever, in any street, public place, court, police station or other public office or in any place of public resort or on board any boat or vehicle, is found drunk and incapable of taking care of himself or is guilty of any violent, riotous, disorderly or indecent behaviour shall on conviction be liable to fine which may extend to fifty rupees or to imprisonment for a term which may extend to eight days.

55. *Penalty for failure to conform to lawful and reasonable directions of police officers.*—Every person who disobeys any direction given by a police officer under this Act or rules made thereunder shall on conviction be liable to fine not exceeding two hundred rupees.

56. *Penalty for inducing police officers to withhold service, etc.*—Whoever induces or attempts to induce or does any act which he knows is likely to induce, any member of the police force to withhold his services or to commit a breach of discipline, shall on conviction be punished with imprisonment which may extend to six months or with fine which may extend to two hundred rupees or with both.

57. *Penalty for contravention of the provisions of sections 22 and 23.*—Every person opposing or not obeying any order issued under section 22 or section 23 or violating the conditions of any licence granted by the Superintendent of Police for the conduct of assemblies and processions, shall be liable on conviction, to fine not exceeding two hundred rupees.

58. *Penalty for breach of conditions of licences.*—For any breach of any of the conditions of a licence granted under this Act, other than a licence granted under section 22, the licensee shall be liable on conviction to fine not exceeding one hundred rupees notwithstanding that such breach may have been owing to the default or carelessness of his servant or agent.

59. *Contravention of rules and orders.*—Whoever contravenes any rule made under section 21 shall on conviction be liable to fine which may extend to one hundred rupees.

60. *Contravention of prohibition made under section 24, 25, 26 or 27.*—Whoever contravenes any prohibition made under section 24, section 25, section 26 or section 27 shall on con-

viction be liable to imprisonment for a term which may extend to one month, or to fine which may extend to one hundred rupees, or to both.

61. *False statement to obtain employment.*—Any person who knowingly makes a false statement or uses a false document for the purpose of obtaining for himself or any person, employment or release from employment as a police officer, shall on conviction be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

62. *Power to prosecute under other laws not affected.*—Nothing contained in this Act shall be construed to prevent any person from being prosecuted under any other Act for any offence made punishable by this Act, or from being liable under any other Act to any other or higher penalty or punishment than is provided for such offence by this Act.

63. *Recovery of fines imposed by Magistrates.*—The provisions of sections 64 to 70 of the Indian Penal Code 1860, and of sections 386 to 389 of the Code of Criminal Procedure, 1898, with respect to fines, shall apply to fines imposed under this Act.

CHAPTER VII

MISCELLANEOUS

64. *Public notices how to be given.*—Any public notice required to be given under any of the provisions of this Act shall be in writing signed by the officer issuing such notice, and shall be published in the locality to be affected thereby, by affixing copies thereof in conspicuous public places or by proclaiming the same, with beat of drum or by advertising the same in the Gazette or in any newspaper having circulation in the locality as such officer may deem fit.

65. *Method of proving order and notification issued under the Act.*—(1) Any order or notification published or issued by the Government under any provision of this Act and the due publication and issue thereof may be proved by the production of a copy thereof in the Gazette.

(2) Any order or notification published or issued by a Magistrate or police officer, under any provision of this Act may be proved by the production of a copy thereof in the Gazette or of a copy thereof signed by such Magistrate or officer and certified by him to be a true copy.

66. *Licences and written permission to specify conditions, etc., and to be signed.*—(1) Any licence or written permission granted under the provisions of this Act shall specify the period and locality for which, and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the officer issuing the same.

(2) Revocation of licences, etc.—Any licence or written permission granted under this Act may at any time be suspended or revoked by the officer issuing the same if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates.

(3) Grantee to produce licence, etc. when required.—Every person to whom any such licence or written permission has been granted shall, while the same remains in force at all reasonable times, produce the same, if so required by a police officer.

67. *Magistrate or police officer not liable for anything done in good faith.*—(1) No Magistrate or police officer shall be liable to any penalty or payment of damages on account of any act done or intended to be done in good faith in pursuance of any duty imposed or any authority conferred on him by any provision of this Act or of any other law for the time being in force conferring power on the Magistrate or police officer or of any rule, order or direction lawfully made or given thereunder.

(2) Person duly appointed or authorised not liable for anything done in good faith.—No person duly appointed or authorised shall be liable as aforesaid for giving effect in good faith to any such order or direction issued by the Government or by a person empowered in that behalf under this Act or any rule made under any provision thereof.

(3) Suit or prosecution not to be entertained if instituted more than six months after the date of the act complained of.—No court shall take cognizance of any suit or complaint, in respect of any offence or wrong alleged to be committed or done by a Magistrate, police officer or other person on account of any act done in pursuance of any duty imposed or authority conferred on him by this Act or any other law for the time being in force or of any rule, order or direction lawfully made or given thereunder unless the suit or complaint is filed within six months of the date on which the offence or wrong is alleged to have been committed or done.

(4) Two months' notice before suit.—No suit as aforesaid shall be instituted against any Magistrate, police officer or other person until the expiration of two months next after notice in writing containing a sufficient description of the wrong complained of and the relief claimed has been given to him.

(5) Plaint to set forth service of notice and tender of amends.—The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any, and if so what, tender of amends

has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

(6) Tender of amends made before suit.—Whenever it is proved to the satisfaction of the court, that, before the suit was instituted, tender of sufficient amends has been made to the plaintiff, the plaintiff shall not get his costs nor any relief not included in such tender, and shall pay the costs of the defendant in the suit:

Provided that no action shall lie when such Magistrate, police officer or other person has been prosecuted criminally for the same act.

68. *Plea that act was done under warrant.*—(1) When any action or prosecution is brought or any proceedings held against any police officer for any act done by him in such capacity, it is open to him to plead that such act was done by him under authority of a warrant issued by a Magistrate.

(2) Such plea may be proved by the production of the warrant directing the act, and purporting to be signed by such Magistrate; and the defendant shall thereupon be entitled to a decree in his favour notwithstanding any defect of jurisdiction in such Magistrate. No proof of the signature of such Magistrate shall be necessary, unless the court thinks there is reason to doubt its genuineness:

Provided that any remedy which the party may have against the authority issuing such warrant shall not be affected by anything contained in this section.

69. *Cognizance of offences.*—Offences against this Act, when the accused person or any one of the accused persons is a police officer, shall not be cognizable by a Magistrate below the rank of a first class Magistrate.

70. *Police officers to keep diary.*—It shall be the duty of every officer in charge of a police station to keep a general diary in such form as shall, from time to time, be prescribed by the Government and to record therein all complaints and charges preferred, the names of the complainants, the names of all persons arrested, the offences charged against them, the weapons or property that may have been taken from their possession or otherwise and the names of witnesses who may have been examined.

The District Magistrate shall be at liberty to call for and inspect such diary.

71. *Government may prescribe form of returns.*— The Government may direct the submission of such returns by the Inspector-General and other police officers as the Government may deem proper, and may prescribe the form in which such returns shall be made.

72. *Power of Government to make rules.*—(1) The Government may by notification in the Gazette, make rules consistent with this Act to—

(a) regulate the procedure to be followed by Magistrates and police officers in the discharge of any duty imposed upon them by or under the provisions of this Act;

(b) regulate the recruitment and conditions of service of police officers other than the members of the Indian Police Service;

(c) prescribe the proceedings, including local enquiries if necessary, which are to be taken in apportioning the cost of additional police under section 10;

(d) prescribe the time, manner and conditions within and under which claims for compensation under section 11 are to be made, the particulars to be stated in such claims, the manner in which the same are to be verified and the proceedings including local enquiries, if necessary, which are to be taken consequent thereon;

(e) prescribe the proceedings including local enquiries, if necessary, which are to be taken in awarding compensation under section 12;

(f) prescribe the procedure in accordance with which any licence or permission sought to be obtained or required under this Act should be applied for and fix the fees to be charged for any such licence or permission; and

(g) give effect to the provisions of this Act generally.

(2) All rules made under this Section shall be laid before the Legislative Assembly for not less than seven days, as soon as possible after they are made and shall be subject to such modifications, whether by way of repeal or amendment as the Assembly may make during the session in which they are so laid or the session immediately following.

73. *Repeal.*—(1) The Travancore-Cochin Police Act, 1951, and the Madras District Police Act, 1859, as applied to the Malabar District referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956, are hereby repealed and the provisions of the Police Act, 1861, and of the Madras City Police Act, 1888 which have been extended to the said Malabar District, shall cease to apply in that District.

(2) All references made in any enactment to the enactments mentioned in sub-section (1) shall be read as if made to the corresponding provisions of this Act;

(3) All rules prescribed, appointments made, powers conferred and orders and certificates issued under the enactments referred to in sub-section (1) shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred and issued hereunder.

STATEMENT OF OBJECTS AND REASONS

Th law relating to the Police applicable to the Travancore-Cochin area of the State is contained in the Travancore-Cochin Police Act, 1951, while the Madras District Police Act, 1859 and some of the provisions of the Madras City Police Act, 1888 and of the Police Act, 1861 (Central Act 5 of 1861) are in force in the remaining part of the State. It is considered necessary to replace these different laws by a single enactment extending to the whole State. The Bill is intended for the above purpose and is mainly based on the provisions contained in the Travancore Cochin Police Act, 1951.

P. T. CHACKO.